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Board of County Commissioners Agenda Request 7

Date of Meeting: April 10, 2001

Date Submitted: April 5, 2001

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Michael C. Willett, Director of Public Works
Subject: Crown Ridge Estates Paving Project

Statement of Issue

The construction of the Crown Ridge Estates Improvement Project is complete and final costs have been determined. Assessments for the special improvements must now be determined and a public hearing held prior to imposing liens upon the benefitted properties.

Background

Crown Ridge Estates is an ongoing 2/3-2/3 Project. The petition was accepted during the April 23, 1991, Board meeting. During the March 15, 1994 meeting, the Board authorized staff to begin condemnation proceedings with consideration given for modifications to the lien period. During the June 23, 1998 meeting, the Board authorized the use of eminent domain for final right-of-way and easement acquisition. The bid for construction was awarded during the February, 16, 1999 meeting.

Section 16-30 of the Code of Laws of Leon County requires that the Board of County Commissioners prepare a special improvement assessment roll, advertise that the roll is open for public inspection, and hear all interested persons on the proposed assessments.

The property owners who signed the petition requested the assessments be calculated on a per lot basis and requested that the Board consider a fifteen-year assessment rather than the typical eight years. This is the previously mentioned lien modification.

Analysis

Crown Ridge Estates is located in Sections 14, 23 and 24, Township 1 South, Range 1 West. Its only access is an extension of Ballard Road, beginning at the Rainbow and Ballard roads Intersection (Attachment #1).

A preliminary estimate of \$425,000 was supplied to the property owners in 1988. The estimated assessment was approximately \$2,200 per lot. This estimate assumed all rights-of-way and drainage easements would be donated.

Right-of-way across approximately 135 lots was donated leaving 52 lots that required right-of-way acquisition. Also, drainage easements had yet to be identified, because that would require survey and design.

As mentioned in the Background section, on March 15, 1994, the Board authorized staff to begin condemnation for the remaining acquisitions and gave consideration to modifying the lien period due to the anticipated increase in cost (Attachment #2). A letter dated February 7, 1994, from Commissioner Anita Davis (Attachment #3) was sent to the owners advising that condemnation would increase their assessment. Staff and consultants began the survey, engineering design, permit applications, right-of-way maps, legal descriptions, sketches, appraisals, etc., in preparation for the condemnation proceedings.

In an update to the Board on December 9, 1997, (Attachment #4) staff advised that project design and associated maps were complete. During this time the number of lots that required right-of-way acquisition had been reduced from 52 to 29; however, the design for stormwater identified an additional 28 easements and 3 whole lots that would need to be acquired. With the benefit of a complete design and construction plan, staff then advised that with condemnation, cost would exceed \$1,000,000 and would result in an estimated \$6,000 per lot assessment.

During the March 17, 1998 meeting, staff requested authorization to negotiate and purchase the remaining rights-of-way and easements. Failing that, staff requested the Board adopt a resolution authorizing use of the County's power of eminent domain (Attachment #5). The Board postponed adopting the resolution and directed staff to notify owners when it would be discussed. Letters went out to owners advising that the Crown Ridge Project would be discussed during the April 28, 1998 meeting, and that cost could reach \$5,000 to \$6,000 per lot. During the April 28, 1998 meeting the Board directed staff to continue for 30 days, trying to acquire the remaining rights-of-way and easements by donation. The Board also authorized staff to negotiate and purchase, if the donations were not forthcoming (Attachment #6).

In a letter dated April 30, 1998, (Attachment #7) Commissioner Proctor advised the residents of a May 9, 1998 property owners meeting to discuss the impact that eminent domain would have on the cost of the project. The letter advised that final cost could reach \$5,000 to \$6,000 per lot. At that May 9 meeting, all owners who attended were in favor of proceeding with the project. During the June 23, 1998 meeting, the Board adopted a resolution authorizing the use of eminent domain for the remaining parcels (Attachment #8).

Staff sent a letter dated February 8, 1999, (Attachment #9) to the owners advising them that the contract for construction would be awarded at the February 16, 1999 Board of County Commissioners meeting and invited them to attend to voice any comments. Hearing no objections, the Board awarded the contract at the February 16, 1999 meeting to Jimmie Crowder Excavation & Land Clearing (Attachment #10).

A total of \$1,103,700.44 was expended to complete the project, which consisted of roadbed stabilization, paving, construction of roadside swales, underground drainage systems and stormwater holding facilities. This also included right-of-way and drainage easement acquisition, administrative costs and all other costs incidental to the project.

The 2/3-2/3 Ordinance (Leon County Ordinance 82-45) is defined under Sections 16-26 through 16-37 of the Code of Laws of Leon County. It allows for construction of special improvements to benefit private properties and to have the cost of the improvements financed and assessed through property liens.

The 2/3-2/3 Ordinance requires that a public hearing be held to receive comments from affected owners

regarding the assessment. Prior to the public hearing, the assessment roll is to be opened for public inspection. At least 10 days prior to the public hearing, notice must be published stating the assessment roll is complete, on file and open for public inspection. In addition to the required public notice, staff notifies the affected owners by certified mail.

Staff is recommending the assessments be established per lot, which was the method requested by a majority of the owners when the petition was submitted for presentation to the Board. However, the assessment roll used to impose the liens must be determined by the Board in accordance with Section 16-30 of the Code of Laws of Leon County. Also, staff is requesting the Board to consider a 15-year payback schedule.

The assessment roll presented for Board review was prepared based upon the total cost of \$1,103,700.44 which equates to a \$5,933.87 per lot assessment (Attachment #11).

Options

1. Approve the assessment roll as presented.
2. Direct staff to modify the assessment roll.
3. Authorize a 15-year payback for the assessments.
4. Authorize staff to schedule the final public hearing for May 15, 2001 at 6 p.m.
5. Direct staff to schedule the final public hearing for another date.
6. Board direction.

Recommendation

Options 1, 3 and 4.

Attachments:

1. Location Map
2. March 15, 1994 Agenda item
3. Letter dated February 7, 1994
4. December 9, 1997 Agenda item
5. March 17, 1998 Agenda item
6. April 28, 1998 Agenda item
7. Letter dated April 30, 1998
8. June 23, 1998 Agenda item
9. Letter dated February 8, 1999
10. February 16, 1999 Agenda item
11. Assessment Roll

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